

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x

MARCUS WASHINGTON,

Plaintiff,

MEMORANDUM & ORDER
23-CV-5312 (EK) (PK)

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION,

Defendant.

-----x

ERIC KOMITEE, United States District Judge:

Marcus Washington is a former substitute teacher with the New York City Department of Education. He has sued his former employer, alleging racial discrimination in violation of 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964. He also brings assorted state- and city-law claims. The Department now moves to dismiss Washington's amended *pro se* complaint. That motion is granted.

A complaint must set forth a "short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). An overlong complaint may be dismissed because it "places an unjustified burden on the court and the party who must respond to it" by forcing them to "select the relevant material from a mass of verbiage." *Salahuddin v.*

Cuomo, 861 F.2d 40, 42 (2d Cir. 1988).¹ This rule holds even when the plaintiff is *pro se*. *E.g.*, *Celli v. Cole*, 699 F. App'x 88, 88-89 (2d Cir. 2017). Dismissal is "usually reserved for those cases in which the complaint is so confused, ambiguous, vague, or otherwise unintelligible that its true substance, if any, is well disguised." *Salahuddin*, 861 F.2d at 42.

The amended complaint warrants dismissal. Washington initially filed a 244-paragraph and 112-page complaint, naming almost fifty defendants. First Compl., ECF No. 1. On March 13, 2024, the Court noted that the complaint was prolix. See Docket Order dated Mar. 13, 2024. It ordered Washington to either file a shortened complaint against just one defendant (the Department) or face dismissal. *Id.* The order did not have its intended effect. Washington's amended complaint now runs 172 pages and contains 1,466 paragraphs. See generally Am. Compl., ECF No. 8. The complaint seeks relief from at least two non-Department defendants, despite the Court's order to the contrary. See, e.g., *id.* at 81. And it often digresses into topics that are not relevant to the issues before the Court. Thus, the amended complaint can be dismissed both for violating Rule 8 and for omitting to comply with the Court's order of March 13.

¹ Unless otherwise noted, when quoting judicial decisions this order accepts all alterations and omits all citations, footnotes, and internal quotation marks.

Dismissal is with prejudice. While the standard approach is to dismiss prolix complaints without prejudice, a district court may "dismiss a prolix complaint without leave to amend . . . where leave to amend has previously been given and the successive pleadings remain prolix and unintelligible." *Salahuddin*, 861 F.2d at 42; see also *Celli*, 699 F. App'x at 89. Here, despite the Court's order, Washington has filed an amended complaint that is "more prolix and confusing than the [original one]." *Celli*, 699 F. App'x at 89. The Court therefore concludes that "further efforts to convince [Washington] to file a reasonable complaint would be futile." *Id.*

For the foregoing reasons, the complaint is dismissed with prejudice. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore denies *in forma pauperis* status for purposes of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). The Clerk of Court is respectfully directed to mail a copy of this order to Washington, to note the mailing on the docket, and to close this case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: June 11, 2025
Brooklyn, New York